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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/795,931
Applicant(s): Johal *et al.*
Filed: March 8, 2004
Art Unit: 1638
Examiner: Kruse, David H.

Confirmation No.: 2685

Title: ISOLATED NUCLEIC ACID MOLECULES ENCODING THE DW3
P-GLYCOPROTEIN OF SORGHUM AND METHODS OF MODIFYING
GROWTH IN TRANSGENIC PLANTS THEREWITH

Docket No.: 035718/275581
Customer No.: 29122

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(c)

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321(c) for the above referenced application. The Examiner is authorized to charge Deposit Account No. 16-0605 for the \$130.00 large entity fee for filing a Terminal Disclaimer, and for any additional fee that may be required or credit any overpayment.

Respectfully submitted,

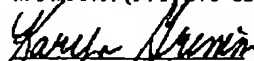


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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.


Karyn Grimm

October 17, 2006
Date

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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)

I, David M. Saravitz, am an attorney of record for the disclaimants, Pioneer Hi-Bred International, Inc. and The Curators of the University of Missouri, and am authorized to execute this disclaimer on behalf of the disclaimants. The disclaimant, Pioneer Hi-Bred International, Inc., having a principal place of business at 7100 NW 62nd Avenue, Johnston, IA 50131; and the disclaimant, The Curators of the University of Missouri, having a principal place of business at 615 Locust Street Building, 3rd Floor, Columbia, MO 65211-1400; are each the owner of fifty-percent (50%) of all right, title, and interest in the above-identified application, by Assignments filed October 23, 2000, and recorded at Reel 011197, Frame 0041; and filed October 15, 2002, and recorded at Reel 013385, Frame 0366, respectively.

The disclaimants hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,750,380, issued June 15, 2004, entitled *Isolated Nucleic Acid Molecules Encoding the DW3 P-Glycoprotein of Sorghum and Methods of Modifying Growth in*

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Filing Date: March 8, 2004
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Transgenic Plants Therewith,, which patent was assigned to the above-identified disclaimants by the Assignments described above.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,750,380, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of U.S. Patent No. 6,750,380 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(c), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,



David M. Saravitz
Registration No. 55,593

Date: October 17, 2006

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